

ANDOVER BOARD OF HEALTH

Minutes

November 2, 2009, 6 P.M.

1st Floor Conference Room

36 Bartlet Street

The Board of Health meeting was called to order at 6:07 p.m. Present were Ms. Candace B. Martin, Chairman, Dr. Donald H. Miller, Vice-Chairman, Ms. Katherine Kellman, Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

I. Approval of Minutes

- **Regular Meeting of October 5, 2009**

Motion by Ms. Martin, seconded by Dr. Miller to approve the Minutes of the Regular Meeting of October 5, 2009. Unanimous Approval.

II. Appointments & Hearings

- N/A

III. Discussion

- **Flu Response** – Mr. Carbone explained that the Flu Clinics went very well considering we had to turn some people away. We had 1,000 people at the Andover High School Field House. While the people were waiting in the chairs for their vaccinations, Mr. Carbone talked to them about H1N1 and informed them that the vast majority of people working the flu clinic were volunteers, including first time volunteers from the Medical Reserve Corp (MRC). Mr. Carbone wants to get a letter out to the newspapers letting the public know that the volunteers are a huge part of making the flu clinics run as smoothly as they do. The Flu Clinic at the Senior Center was the hardest because there was a long line of people and Staff quickly realized that we would not be able to accommodate everyone. Also, Fox News arrived to film the clinic and was able to interview a family and show a child receiving a flu shot. The news team was very inconspicuous and stayed outside the building for most of the evening. Mr. Carbone and Staff are working on a better way of determining how many doses of shots and flu mist are available. One idea is to give out different colored tickets to each person for either the flu shot or the flu mist so that we are aware of when we run out. Other issues that need to be addressed are getting nurses in who are comfortable dealing with children as opposed to adults, and dealing with the fact that family clinics take longer than adult clinics. When we start H1N1 clinics, Mr. Carbone hopes to pool different communities together to do a regional clinic at one location. The local health departments have also started a weekly column with the Eagle Tribune concerning H1N1 issues.

- **FY2011 Budget Planning** – Mr. Carbone explained that when he met with the Finance Committee and the Board of Selectmen for FY2010 Budget discussions, regionalization was brought up; however, in order for that to work, we would need excess capacity and at this time that is not the case in the surrounding Towns and Cities. Using a private inspectional company may end up costing as much or more than having an Inspector on staff. Some of the surrounding communities found that their food establishments were unhappy having contracted inspectors because they couldn't develop a relationship with someone who knew their business issues. Mr. Carbone explained that setting up an Enterprise Fund that would fund a Health Inspector with the fees collected was considered, but that was not an option at this time. The Town Manager asked Mr. Carbone to speak to surrounding communities during the MHOA Conference Mr. Carbone attended last week to get some input from them.

IV. Old Business

- **MHD Salt Shed Update** - Mr. Carbone informed the Board that he has not heard from MHD, but now that the combining of Transportation Departments has been completed, he was hoping he could get a meeting together.
- **Kirkland Drive Status** - Mr. Carbone stated that he has not had time to devote to this issue so far, but would be working with Town Counsel soon.

V. Definitive Subdivision Plans

- **Pine Forest Park – Revisions to Subdivision Submittal for Private Water Supply**- Present were Luke Roy, P.E. with O'Neill Associates, Civil Engineers and Land Surveyors, Jack MacKenna, the Site Hydrologist, and Angelo Petrosino, owner. Mr. Carbone explained that the Peer Review has addressed all the concerns from the past plan. The septic systems will be restricted to eleven four bedroom homes with a total of nine rooms. The last time they proposed well testing, there were high levels of sodium and chlorides, and treatment systems have been proposed to deal with that. Ms. Martin asked who would be responsible for maintaining the systems. Mr. Carbone stated that the Board would have no responsibility to require the homeowner to monitor and test the wells. Mr. Roy explained that the homeowner would be responsible to maintain them on a schedule determined individually lot by lot and house by house. If issues arise in the future, then the Board could take some action at that time by putting restrictions on the deed. Mr. Carbone said that he has asked the Planning Board to put the four bedroom, nine room restriction as one of the conditions if they approve the definitive subdivision plans.

Motion by Ms. Martin, seconded by Dr. Miller to approve the Definitive Subdivision Plans for Pine Forest Park with the following conditions:

- A. *All dwellings shall be limited to no more than 4 bedrooms, 9 rooms total as allowed in 310 CMR 15.000.*

B. The following permitting sequence shall be followed for each individual lot:

- a. Installation and testing of the well.*
- b. If the well fails to meet water quality standards, a variance to the well regulations shall be sought, and a proposal for treatment shall be submitted.*
- c. If the well meets water quality standards, or if the Board of Health approves alternate treatment methods, then the septic system design shall be submitted for review and approval (the plan shall show the actual location of the installed well).*
- d. Once the septic system design is approved, the foundation permit may be obtained, and the foundation installed.*
- e. A Certified Plot Plan showing the location of the well and foundation, as well as the elevation of the top of foundation, shall be submitted for review and approval. If the plan shows reasonable conformance with the approved plans, a permit to install the septic system may be issued.*
- f. Prior to the issuance of a Certificate of Compliance for the septic system, a second water sample shall be obtained for testing, and shown to comply with required standards. Where alternative treatment has been approved, this sample must be obtained after the treatment system is installed and operating.*

C. Any modification, amendment, or change to the above-cited Definitive Plan shall be submitted as a new or modified Definitive Plan in accordance with the provisions of MGL Chapter 41, Section 81U.

D. Subject to Conservation Commission approval of the above dated plan by Order of Conditions or Negative Determination.

Unanimous approval.

VI. Plan Review

A. D.W.R.P. Variances/Local Upgrade Approvals (LUA) –

- **108 High Plain Road – Allow SAS to be 3’ above the SHWT where 4’ is required. Also added- allow the leach facility to be 67’ from an isolated wetland in the watershed, where 100’ is required –** Mr. Carbone explained that he added the watershed LUA to be on the safe side. Mr. Carbone recommended the Board approve the LUA for 108 High Plain Road.

Motion by Ms. Martin, seconded by Dr. Miller to approve the LUA to allow the SAS to be 3’ above the SHWT where 4’ is required, and allow the leach facility to be 67’ from an isolated wetland in the watershed, where 100’ is required. Unanimous Approval.

- **29 Iron Gate Drive – Allow SAS to be 5’ from property line where 10’ is required; allow SAS to be 16’ from foundation where 20’ is required - Mr.**

Carbone explained to the Board that there are wetlands on three sides of the house, and he verified that the home is only a two bedroom home. Mr. Carbone recommended approval of the LUA for 29 Iron Gate Drive.

Motion by Ms. Martin, seconded by Dr. Miller to approve the LUA to Allow the SAS to be 5' from the property line where 10' is required; allow SAS to be 16' from foundation where 20' is required. Unanimous approval.

VII.

Staff Reports

A. Director's Report:

- **New Restaurant – Yella @ 16 Post Office Avenue Upcoming Variance Request Concerning Grease Trap – (Not on Agenda)** – Mr. Carbone informed the Board that a new Mediterranean restaurant had applied to open at the location of the former Cassis Bistro. New owner, Danielle Carbone, was told by Mr. Carbone that she needed to upgrade the grease trap in the kitchen. Ms. Carbone said that she did not have the resources to replace the grease trap at this time. Mr. Carbone told her that she could request a Variance to use an indoor grease trap called the Big Dipper, which is a good alternative to an in-ground grease trap, with the understanding that the grease trap had to be put in within one year. However, Ms. Carbone did not apply for the Variance in time for the November 2, 2009 Board of Health Meeting. Ms. Martin replied that she wanted the Board to discuss this even though the variance request was not on the agenda. Mr. Carbone suggested that the Board allow the restaurant to open immediately, with the requirement that Ms. Carbone appear at the December 14, 2009 Board of Health Meeting with the Variance request. The Board gave Mr. Carbone permission to allow Yella to open, with the understanding that Ms. Carbone would be required to appear at the December meeting or she would not get her 2010 Food Service Establishment License.

- **Important Dates:**

- November 20th @ 8 a.m. – Director/Chair Meeting with Town Manager
- December 14th @ 6 p.m. – Board of Health Meeting

B. Nurses' Report for September, 2009 –The Nurses' report was for informational purposes only.

C. Inspectors' Reports for September, 2009 – The Inspectors' Reports were for informational purposes only.

VIII. Board Member Reports

- **Grassfields Renovation (Letter in Correspondence)** – Ms. Martin remarked on the large scope of the expansion of the restaurant via the Memo from Mr. Carbone to Ms. Jacki Byerley at the Planning Division. Mr. Carbone explained that had an IDR meeting last week, but all detailed plans were not available at that time, so there is still a lot of work to be done.
- **Taste of Andover** – Mr. Carbone informed the Board that the Taste of Andover went very well this year. This was the second year in a row that Mr. Carbone met with organizers to discuss the requirements for the Taste of Andover, and he felt that really helped to avoid some problems encountered in the past. Some of the same problems with temperatures and lack of sneeze guards were noted, but everything else was satisfactory to Health Agent, Ms. Patricia Crafts.
- **Recycling Update (Not on Agenda)** – Mr. Carbone stated that he had no word back yet, but would reach out again to see if he could get some information to the Board.
- **Animal Regulations Update (Not on Agenda)** – The Board stated that it is still prepared to discuss updating the Animal Regulations at the January 11, 2010 Board of Health Meeting.

IX. Adjournment

Motion by Dr. Miller, seconded by Ms. Martin to adjourn at 7:07 p.m. Unanimous approval.